

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars.

1. Double patenting rejection - terminal disclaimer

A terminal disclaimer is included herewith to obviate the double patenting rejection of the pending application as being unpatentable over co-pending applications 10/725,575, 10/725,633, 10/924,861 and 11/136,465.

Withdrawal of the double patenting rejection is respectfully requested in view of the terminal disclaimer.

2. In the claims

In the "Amendment to the Claims," claims 1, 12, 21 and 25 are amended to include the allowable subject matter identified in the pending application.

Specifically, claim 1 is amended to include the allowable subject matter of claim 6. Claim 12 is amended to include the allowable subject matter of claim 13. Claim 21 is amended to include the allowable subject matter of claim 22. Claim 25 is amended with the allowable subject matter of claim 23.

Claim 12 was additionally amended to include the absorbent core recited in all of the other independent claims. It will be noted that claim 12 originally recited the absorbent core without antecedent basis. Claim 12 is recited similarly to claim 1 with the exception of the limitation from claim 13.

It will be further pointed out that while claim 23 does not depend from claim 25. Claim 25 includes substantially similar subject matter to claim 21, as detailed in the reply filed on August 25, 2006. Accordingly, the allowable subject matter of claim 23 should render claim 25 allowable.

It is respectfully submitted that no new issues requiring further detailed consideration or search have been presented by the proposed amendments and that

entry of the claim amendments is appropriate under 37 C.F.R. § 1.116. It will be noted that the claims have only been amended to include allowable subject matter. Entry of the amendment at least for purposes of appeal is respectfully requested in view of the fact that they present rejected claims in better form for consideration on appeal (37 C.F.R. 1.116).

Entry of the amendment to claims 1, 12, 21 and 25 is respectfully requested.

3. Rejection of claims 1, 2, 6, 12, 21 and 25 under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent 5,160,328 (*Cartmell*) in view of U.S. patent 4,657,006 (*Rawlings*) and in further in view of U.S. patent 6,051,747 (*Lindqvist*)

Rejection of claim 3 under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent 5,160,328 (*Cartmell*) in view of U.S. patent 4,657,006 (*Rawlings*) and U.S. patent 6,051,747 (*Lindqvist*), and further in view of U.S. patent application publication 2003/0199800 (*Levin*)

These rejections are moot in view of the amendment to the claims with the allowable subject matter. Accordingly, withdrawal of these rejections is respectfully requested.

Application No.: 10/725,601
Examiner: Kiandra C. LEWIS
Art Unit: 3772

4. Conclusion

As a result of the amendment to the claims, and further in view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that every pending claim in the present application be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the applicants' attorney, the examiner is invited to contact the undersigned at the numbers shown below.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Justin J. Cassell", written over a horizontal line.

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